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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

David Dees, *on behalf of himself and all* ) Case No.  
*others similarly situated* )

Plaintiff, )

vs. )

I.Q. Data International, Inc., )

Defendant. )

**CLASS COMPLAINT AND TRIAL BY  
JURY DEMAND**

**NATURE OF ACTION**

1. Plaintiff David Dees (“Plaintiff”) brings this putative class action against Defendant I.Q. Data International, Inc. (“Defendant”) pursuant to the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, individually and on behalf of all others similarly situated.

**JURISDICTION, VENUE, AND STANDING**

2. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

1           3.       Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where  
2 the acts and transactions giving rise to Plaintiff's action occurred in this district, where  
3 Plaintiff resides in this district, and where Defendant transacts business in this district.  
4

5           4.       “In determining whether an intangible harm constitutes injury in fact, both  
6 history and the judgment of Congress play important roles.” *Spokeo, Inc. v. Robins*, 136  
7 S. Ct. 1540, 1549, 194 L. Ed. 2d 635 (2016), *as revised* (May 24, 2016). Congress is  
8 “well positioned to identify intangible harms that meet minimum Article III  
9 requirements,” thus “Congress may ‘elevat[e] to the status of legally cognizable injuries  
10 concrete, *de facto* injuries that were previously inadequate in law.’” *Id.* (quoting *Lujan*  
11 *v. Defs of Wildlife*, 504 U.S. 555, 578 (1992)).  
12  
13

14           5.       “Without the protections of the FDCPA, Congress determined, the  
15 ‘[e]xisting laws and procedures for redressing these injuries are inadequate to protect  
16 consumers.’” *Lane v. Bayview Loan Servicing, LLC*, No. 15 C 10446, 2016 WL  
17 3671467, at \*3 (N.D. Ill. July 11, 2016) (quoting 15 U.S.C. § 1692(b)). Thus, a failure  
18 to honor a consumer's right under the FDCPA constitutes an injury in fact for Article III  
19 standing. *See Id.* at \*3 (holding that a consumer “has alleged a sufficiently concrete  
20 injury because he alleges that [Defendant] denied him the right to information due to  
21 him under the FDCPA.”); *see also Church v. Accretive Health, Inc.*, No. 15-15708,  
22 2016 WL 3611543, at \*3 (11th Cir. July 6, 2016) (holding that consumer's § 1692g  
23 claim was sufficiently concrete to satisfy injury-in-fact requirement).  
24  
25  
26  
27  
28



1           14. In connection with the collection of the Debt, Defendant mailed Plaintiff a  
2 letter dated December 12, 2016.

3  
4           15. A true and correct copy of Defendant's December 12, 2016 letter is  
5 attached to this complaint as Exhibit A.

6           16. Defendant's December 12, 2016 letter was its initial communication with  
7 Plaintiff with respect to the Debt.

8  
9           17. Among the requirements in an initial communication, a debt collector  
10 must meaningfully convey "the name of the creditor to whom the debt is owed." 15  
11 U.S.C. § 1692g(a)(2).

12  
13           18. Defendant's December 12, 2016 letter gave the following information  
14 regarding the Debt: "Original Creditor: GRANITE BAY APTS (AZ)." Exhibit A.

15           19. It further provided that "[y]our past due account has been referred to our  
16 office for collection," and informed Plaintiff to contact or make payments to Defendant.  
17  
18 *Id.*

19           20. Defendant's December 12, 2016 letter does not clearly identify the name  
20 of the creditor to whom the Debt is owed.

21  
22           21. Defendant's December 12, 2016 letter states the "Original Creditor" to be  
23 "Granite Bay Apts (AZ)," but it does not state who the "current creditor" is, or  
24 otherwise indicate to whom the debt is currently owed.

25  
26           22. Plaintiff, or the least sophisticated consumer, may reasonably believe that  
27 Defendant is the current creditor given that the letter states that the Debt has been  
28

1 “referred to our office for collection,” and informs Plaintiff to contact or make payments  
2 to Defendant.

3  
4 23. Or, Plaintiff, or the least sophisticated consumer, may just as reasonably  
5 think that Defendant’s December 12, 2016 letter simply does not mention who the  
6 current creditor is.

7  
8 24. Because Defendant’s December 12, 2016 letter leaves Plaintiff, or the  
9 least sophisticated consumer, to guess as to the identity of the creditor to whom the debt  
10 is currently owed, it fails to meaningfully convey the name of the creditor.

11  
12 **CLASS ACTION ALLEGATIONS**

13 25. Plaintiff repeats and re-alleges all factual allegations above.

14 26. Defendant’s December 12, 2016 letter is based on a form or template used  
15 by Defendant to send collection letters (the “Template”).

16  
17 27. The Template fails to meaningfully convey the name of the current creditor  
18 to whom the alleged debt is owed, in the same manner as Defendant did with Plaintiff  
19 above.

20  
21 28. Defendant has used the Template to send collection letters to over 40  
22 individuals in the State of Arizona within the year prior to the filing of the original  
23 complaint in this matter.

24  
25 29. Plaintiff brings this action on behalf of himself and all others similarly  
26 situated. Specifically, Plaintiff seeks to represent the following class of individuals:

27 All persons with an Arizona address, to whom Defendant sent a letter based  
28 upon the Template, within one year before the date of this complaint, in  
connection with the collection of a consumer debt.

1  
2 30. The proposed class specifically excludes the United States of America, the  
3 State of Arizona, counsel for the parties, the presiding United States District Court Judge,  
4 the Judges of the United States Court of Appeals for the Ninth Circuit, and the Justices of  
5 the United States Supreme Court, all officers and agents of Defendant, and all persons  
6 related to within the third degree of consanguinity or affection to any of the foregoing  
7 persons.  
8

9  
10 31. The class is averred to be so numerous that joinder of members is  
11 impracticable.

12 32. The exact number of class members is unknown to Plaintiff at this time and  
13 can be ascertained only through appropriate discovery.  
14

15 33. The class is ascertainable in that the names and addresses of all class  
16 members can be identified in business records maintained by Defendant.  
17

18 34. There exists a well-defined community of interest in the questions of law  
19 and fact involved that affect the parties to be represented. These common questions of  
20 law and fact predominate over questions that may affect individual class members. Such  
21 issues include, but are not limited to: (a) the existence of Defendant's identical conduct  
22 particular to the matters at issue; (b) Defendant's violations of the FDCPA; (c) the  
23 availability of statutory penalties; and (d) attorneys' fees and costs.  
24

25 35. Plaintiff's claims are typical of those of the class he seeks to represent.  
26

27 36. The claims of Plaintiff and of the class originate from the same conduct,  
28 practice, and procedure on the part of Defendant. Thus, if brought and prosecuted

1 individually, the claims of the members of the class would require proof of the same  
2 material and substantive facts.

3  
4 37. Plaintiff possesses the same interests and has suffered the same injuries as  
5 each class member. Plaintiff asserts identical claims and seeks identical relief on behalf  
6 of the unnamed class members.

7  
8 38. Plaintiff will fairly and adequately protect the interests of the class and has  
9 no interests adverse to or which directly and irrevocably conflict with the interests of  
10 other members of the class.

11  
12 39. Plaintiff is willing and prepared to serve this Court and the proposed class.

13  
14 40. The interests of Plaintiff are co-extensive with and not antagonistic to those  
15 of the absent class members.

16  
17 41. Plaintiff has retained the services of counsel who are experienced in  
18 consumer protection claims, as well as complex class action litigation, will adequately  
19 prosecute this action, and will assert, protect and otherwise represent Plaintiff and all  
20 absent class members.

21  
22 42. Class certification is appropriate under Fed. R. Civ. P. 23(b)(1)(A) and  
23 23(b)(1)(B). The prosecution of separate actions by individual members of the class  
24 would, as a practical matter, be dispositive of the interests of other members of the class  
25 who are not parties to the action or could substantially impair or impede their ability to  
26 protect their interests.

27  
28 43. The prosecution of separate actions by individual members of the class  
would create a risk of inconsistent or varying adjudications with respect to individual

1 members of the class, which would establish incompatible standards of conduct for the  
2 parties opposing the classes. Such incompatible standards of conduct and varying  
3 adjudications, on what would necessarily be the same essential facts, proof and legal  
4 theories, would also create and allow the existence of inconsistent and incompatible  
5 rights within the class.  
6

7  
8 44. Class certification is appropriate under Fed. R. Civ. P. 23(b)(2) in that  
9 Defendant has acted or refused to act on grounds generally applicable to the class,  
10 making final declaratory or injunctive relief appropriate.  
11

12 45. Class certification is appropriate under Fed. R. Civ. P. 23(b)(3) in that the  
13 questions of law and fact that are common to members of the class predominate over any  
14 questions affecting only individual members.  
15

16 46. Moreover, a class action is superior to other methods for the fair and  
17 efficient adjudication of the controversies raised in this Complaint in that: (a) individual  
18 claims by the class members will be impracticable as the costs of pursuit would far  
19 exceed what any one plaintiff or class member has at stake; (b) as a result, very little  
20 litigation has commenced over the controversies alleged in this Complaint and individual  
21 members are unlikely to have an interest in prosecuting and controlling separate  
22 individual actions; and (c) the concentration of litigation of these claims in one forum  
23 will achieve efficiency and promote judicial economy.  
24  
25

26 **COUNT I**  
27 **VIOLATION OF 15 U.S.C. § 1692g(a)(2)**

28 47. Plaintiff repeats and re-alleges each factual allegation contained above.



1           48. Defendant's letter does not identify of the current creditor that holds  
2 Plaintiff's alleged debt.

3  
4           49. Defendant violated 15 U.S.C. § 1692g(a)(2) by failing to meaningfully  
5 convey the name of the creditor to whom the alleged debt is owed to Plaintiff in its  
6 initial communication or in writing within five days thereafter.

7  
8           WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 9           a) Determining that this action is a proper class action, certifying Plaintiff as a  
10 class representative under Rule 23 of the Federal Rules of Civil Procedure,  
11 and designating this Complaint the operable complaint for class purposes;  
12  
13           b) Adjudging that Defendant violated 15 U.S.C. § 1692g(a)(2) with respect to  
14 Plaintiff and the class he seeks to represent;  
15  
16           c) Awarding Plaintiff and the class he seeks to represent actual damages  
17 pursuant to 15 U.S.C. § 1692k(a)(1);  
18  
19           d) Awarding Plaintiff such additional damages as the Court may allow in the  
20 amount of \$1,000, pursuant to § 1692k(a)(2)(B)(i);  
21  
22           e) Awarding all other class members such amount as the Court may allow,  
23 without regard to a minimum individual recovery, not to exceed the lesser  
24 of \$500,000 or one percent of the net worth of the debt collector, pursuant  
25 to 15 U.S.C. § 1692k(a)(2)(B)(ii);  
26  
27           f) Awarding Plaintiff and the class he seeks to represent, reasonable  
28 attorneys' fees and costs incurred in this action pursuant to 15 U.S.C. §  
1692k(a)(3) and Rule 23;

- 1 g) Awarding Plaintiff and the class he seeks to represent, pre-judgment and  
2 post-judgment interest as permissible by law; and  
3  
4 h) Awarding such other and further relief as the Court may deem proper.

5 **TRIAL BY JURY**

6 50. Plaintiff is entitled to and hereby demands a trial by jury.

7  
8 Dated: December 4, 2017

Respectfully submitted,

9  
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